IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION No.6975 OF 2005

The Kolhapur Municipal Transport ..Petitioner

Versus

The Municipal Transport Workers' Union ..Respondent

Mr.D.S.Sawant for petitioner

Mr.P.P.Chavan for respondent

CORAM : P.V.KAKADE, J.

DATE : 9TH JANUARY 2006.

P.C.:

1. Heard advocates for both the parties.

2. Rule. Rule made returnable forthwith by consent.

3. The Petitioner Corporation has impugned the Order dated 15.3.2005 passed by Presiding Officer, Industrial Tribunal, Kolhapur whereby Reference (IT) No.1 of 1988 came to be allowed and it was declared that the punishment of reversion given to the employee respondent was illegal and therefore, it was set aside and further first party was directed to treat them in their original post till their retirement and extend them all the benefits to which they are entitled under law till the date of their retirement. It is also to be noted that the earlier Award passed by the Industrial Tribunal was not challenged by the Petitioner Corporation.

4. After hearing both the parties, it is apparent from the record, without going to the facts in details, that the punishment came to be awarded by the Petitioner under the provisions of the Industrial Employment (Standing Orders) Act, 1946. However, it is conceded by the learned counsel for the petitioner that the punishment of reversion is not contemplated under the relevant Standing Orders and therefore, that aspect is seen to be considered by the Industrial Tribunal while allowing the Reference. Now taking into account the facts involved and legal aspects, it is to be noted that if the end of

justice to be met if the matter is remanded with direction to pass appropriate order as per law in respect of element of quantum of punishment only as contemplated under the Industrial Employment (Standing Orders) Act, 1946, as it is apparent that the punishment of reversion is not at all contemplated under the said Orders. Hence, the matter is hereby remanded to the Corporation Authorities for hearing afresh only on the issue of quantum of punishment governed by the Industrial Employment (Standing Orders) Act, 1946 after giving opportunity to the respondent to put up their case. The matter to be decided within eight weeks from the date of receipt of Writ of this Court. With this direction the Order passed by the Industrial Tribunal dated 15.3.2005 stands set aside to the extent as observed earlier and the Petition stands disposed of.